

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6712**

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CALVIN O'NEIL ALLEN,

Petitioner - Appellant,

versus

DAVID MITCHELL, Superintendent, Mountain View  
Correctional Institution; ROY COOPER, Attorney  
General for the State of North Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Graham C. Mullen, Chief  
District Judge. (CA-00-99-1-MU)

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Submitted: August 6, 2003

Decided: August 25, 2003

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Before WIDENER and KING, Circuit Judges, and HAMILTON, Senior  
Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Calvin O'Neil Allen, Appellant Pro Se. Clarence Joe DelForge, III,  
OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North  
Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Calvin O'Neil Allen seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2000) petition. Allen cannot appeal this order unless a circuit judge or justice issues a certificate of appealability, and a certificate of appealability will not issue absent a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A habeas appellant meets this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, \_\_\_, 123 S. Ct. 1029, 1039 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir.), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude Allen has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED